THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 11561 of 2006

Dated:02-08-2007

Between:-

P. Pratap Reddy and two others.

..Petitioners

And

The Government of Andhra Pradesh, rep., by its Secretary, Department of Social Welfare, Secetariat Buildings, Saifabad, Hyderabad and two others.

..Respondents.

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 11561 of 2006

:O R D E R:

In this writ petition, the petitioners seek a direction by way of writ of Mandamus to the respondents to deposit an amount of Rs.30,44,234-00 on account of compensation determined under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') as per the judgment dated 12-12-2000 rendered in O.P.No. 24 of 1997 by the reference Court – Court of Senior Civil Judge, Huzurabad now transferred to Court of Senior Civil Judge, Karimnagar and as confirmed by this Court in A.S.No. 1791 of 2002 by the judgment dated 25-10-2004.

The case of the writ petitioners is that their lands ad-measuring Ac.11-10 guntas in survey No. 604/2 situated

at Mangalapally, hamlet of Vangara village, Bheemadevarapally mandal, Karimnagar district were acquired for providing house sites to weaker sections and the Land Acquisition Officer had awarded compensation for the acquired lands at the rate of Rs. 7,600-00 per acre by award dated 27-07-1992. On reference, the reference Court in O.P.No. 24 of 1997 had enhanced the compensation for acquired land from Rs.7,600-00 per acre to Rs.45,000-00 per acre. It is stated that the judgment and decree of the reference Court was also confirmed by this Court by the judgment and decree dated 25-10-2004 in A.S.No.1791 of 2002.

It is the grievance of the writ petitioners that in spite of determination of compensation as awarded by the reference Court and as confirmed by this Court, the compensation amount due to the petitioners to the tune of Rs.30,44,234-00 as on 31-05-2006 is not being deposited.

In the counter affidavit filed on behalf of the respondents, it is stated that compensation amounts have been deposited at various times the details of which have been furnished in the counter. From the details furnished in the counter affidavit it is shown that certain deposits have been made subsequent to the filing of the writ petition. It is the case of the respondents that the entire decretal amount has been deposited at different times. But, it is the case of the petitioners that further

compensation amount of Rs.12,71,379-00 is due to be paid to the petitioners.

Whether any further amount is due to be paid to the petitioners in terms of the judgment and decree obtained by them in O.P.No. 24 of 1997 and as confirmed by this Court in A.S.No. 1791 of 2002, is a matter which has to be gone into by the executing Court in the Execution Petition No. 25 of 2003 stated to be pending before the executing Court.

Since there is a dispute as to the payment of entire decretal amount in pursuance of the decree of the reference Court and as confirmed and enhanced the compensation amount by this Court, I dispose of the writ petition permitting the petitioners to pursue the execution proceedings pending in respect of further amounts due to be paid to the petitioners. It is open to the petitioners to file calculation sheet showing the decretal amount so far deposited and due to be deposited towards full satisfaction of the decree.

Subject to the above directions, the writ petition is disposed of. No costs.

_____

R. SUBHASH REDDY,
J

Dated:02-08-2007.
Pvks/*

Nb:- Furnish c.c. in one week.
B/o pvks/*